

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GEORGE MORRIS

Plaintiff

v.

REAL AGENT PRO, LLC D/B/A
ADVANTAGE U

Defendant

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CIVIL ACTION NO.

4:17-CV-338

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331 and 1441, Defendant Real Agent Pro, LLC d/b/a Advantage U, incorrectly sued as Advantage U (“Real Agent” or “Defendant”), files this Notice of Removal of the action styled *George Morris v. Advantage U*, Cause No. 31-SC-16-00297 pending in the Collin County Justice Court Precinct 3-1, Collin County, Texas (the “State Court Action”). In support of its Notice of Removal, Real Agent states as follows.

I.
JURISDICTION

This court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 because it involves a claim arising under the Constitution, laws, or treatises of the United States.

II.
STATE ACTION

1. This action, styled *George Morris v. Advantage U*, was filed in the Collin County Justice Court Precinct 3-1, Collin County, Texas, on November 10, 2016, Cause Number 31-SC-16-00297.

2. Plaintiff is George Morris, a resident and citizen of the State of Texas.

3. Defendant is Real Agent Pro, LLC, a New York limited liability company with its

principal place of business in New York.

4. Venue is proper in the United States District Court for the Eastern District of Texas, Sherman Division.

III. **NATURE OF THE LAWSUIT**

5. This case involves a controversy between Plaintiff and Defendant wherein Plaintiff alleges that Defendant is liable to him for damages suffered by him. More specifically, Plaintiff alleges that he sustained damages when Defendant made 3 telephone calls to Plaintiff's "Do-Not-Call listed phone number." Plaintiff claims Defendant violated the Telephone Consumer Protection Act ("TCPA").

6. Plaintiff alleges that he is entitled to recover damages for Defendant's alleged violations in the amount of \$4,500.00. Additionally, Plaintiff seeks "court fees of \$23 + \$41."

7. No jury demand has been made.

IV. **REMOVAL BASED ON FEDERAL QUESTION JURISDICTION**

9. The District Courts of the United States have original jurisdiction over this action based on federal question jurisdiction, in that Plaintiff alleges Defendant violated the TCPA, a Federal law codified as 47 U.S.C. 227. As such, Plaintiff's claim arises under a law of the United States.

10. Removal of this action is proper under 28 U.S.C. § 1441, since it is a civil action brought in State Court, and the Federal District Courts have original jurisdiction over the subject matter under 28 U.S.C. § 1331 because it involves a claim arising under the Constitution, laws, or treaties of the United States.

REMOVAL PROCEDURAL REQUIREMENTS

11. Contemporaneously with its Original Notice of Removal, Real Agent filed its Notice of Removal with the clerk of the Collin County Justice Court Precinct 3-1, Collin County, Texas.

INDEX OF DOCUMENTS FILED IN STATE COURT

12. Pursuant to Local Rule 81.1(a), copies of the State Court pleadings are attached hereto. Exhibit A is an index, in chronological order, of all documents filed in the State Court and the date it was filed in state court. Exhibit B is a copy of the docket sheet in the State Court. Exhibit C are copies, in chronological order, of all documents asserting causes of action, service, and orders filed in the State Court. Exhibit D is a signed certificate of interested persons.

Wherefore, Real Agent prays that the action now pending against it in the Collin County Justice Court Precinct 3-1, Collin County, Texas, be removed therefrom to the United States District Court for the Eastern District of Texas, Sherman Division, and further requests that this Court assume jurisdiction over the cause herein as provided by law.

Respectfully submitted,

/s/ K. Patrick Babb

Mark A. Goodman

State Bar No. 08156920

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Notice of Removal was served on Plaintiff in accordance with the Federal Rules of Civil Procedure on May 15, 2017.

George Morris

PO Box 864091

Plano, Texas 75086

DNC.violations@gmail.com

Plaintiff

/s/ K. Patrick Babb

K. Patrick Babb